

## **REMARKS**

With this Response, claims 11, 19, 22, 25, 29, and 31 are amended. No claims are added or canceled. Therefore, claims 1-38 are pending.

## **CLAIM OBJECTIONS**

Claim 31 was objected to for an informality. Specifically, claim 31 as originally presented referred to itself ("article of manufacture according to claim 31..."). The Office Action correctly points out that claim 31 should depend from claim 30. Appropriate correction has been made herein. Therefore, Applicants submit that the objection is overcome, and respectfully request that the objection be withdrawn.

## **REJECTIONS UNDER 35 U.S.C. § 112**

Claims 6, 19, 22 and 25 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. More particularly, claim 6 was rejected as failing to have antecedent basis for the claim language "the electrical signal is an address," claim 19 was rejected as having a method step in an apparatus claim, claim 22 was rejected as having insufficient antecedent basis for "the image" and "the flash," and claim 25 was rejected as lacking antecedent basis for "the first and second embedded devices."

Regarding claim 6, Applicants are unable to understand the rejection. Claim 6 does not recite the language rejected, and Applicants do not believe any of the claims recite the rejected limitation. Clarification of this rejection is respectfully requested to enable Applicants to respond.

Regarding claims 19, 22, and 25, Applicants believe the amendments made herein to these claims provides appropriate correction to overcome the rejection. Therefore, Applicants respectfully request that the rejections be withdrawn.

## **REJECTIONS UNDER 35 U.S.C. § 101**

Claims 29-38 were rejected under 35 U.S.C. § 101 as being directed to "computer program products" stored in a "computer readable medium," the definitions of which are interpreted to include both statutory and non-statutory subject matter. Claim 29 is amended

herein in an effort to limit the scope of the claim to statutory subject matter. Specifically, claim 29 is amended to recite "a tangible machine accessible medium having content stored thereon." As Applicants have understood, such claim language is directed to statutory subject matter per MPEP § 2106. Therefore, Applicants respectfully submit that the rejection is overcome.

### **REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2004/0039924 of Baldwin et al. (hereinafter "Baldwin"). Applicants respectfully submit that the reference fails to anticipate the claimed invention for at least the following reasons.

Claim 1 recites the following:

provisioning a symmetric cryptographic key across multiple clients through multiple embedded agents, each client having one of the embedded agents, one embedded agent in each client having an embedded agent to store the symmetric cryptographic key in a storage accessible to the embedded agent and **not directly accessible to a host processor on the client**; and providing access to an encrypted traffic flow in a network to a client if the client is authenticated with the key.

Claim 29 is also an independent claim and similarly recite limitations directed to a storage not directly accessible to the host **processor** on the client. Claim 11 and is an independent claim and recites limitations direct to "a network link transparent to the host processor and the OS." Claim 22 and is an independent claim and as originally filed recites "a communication channel accessible to the chipset and not the host platform."

Applicants submit that the teachings of Baldwin are inapplicable to the invention as recited in the independent claims. Baldwin fails to disclose or suggest the invention as recited in the independent claims, and in fact teaches away from what is claimed. As explicitly stated in Baldwin's "Objectives of Present Invention" section, paras. [0009] to [0013], the teachings of Baldwin are directed to providing "a system that permits for computer device authentication that requires exactly no more hardware than is found in a commodity-class commercial personal computer." Although Applicants appreciate that such a term may be considered vague at least as far as the hardware found in a commodity-class commercial personal computer will change over time, Baldwin goes to effort to describe a minimum of hardware as being the intended implementation platform for its systems. See also para. [0015]. The references go to great

detail to describe a system in which a reboot sequence and an SMM (system management mode) is used to provide secure operations. See "Key aspects of the present invention" as set forth in paras. [0017] to [0029]. Applicants submit that the reference explicitly limits its application to the SMM implementation described. As is understood by one of skill in the art, although SMM may be outside the context of a **host operating system**, SMM executes **on the host processor** of the system. Thus, executing in SMM explicitly **requires** that the host processor have access to all of the resources used to provide the security. Thus, even assuming independence from the host OS, SMM and the solutions presented in Baldwin prevent independence from the host processor. More particularly, one of skill in the art would understand that Baldwin explicitly requires the host hardware platform including the host processor to have access to the cryptographic keys and the secure communication channels. Such a requirement is at least one reason Baldwin asserts in para. [0015] to suggest that allowing the host hardware to have such access provides only a minimal security risk. Thus, the teachings of Baldwin are directly contrary to what is claimed, and the reference is inapplicable in rejecting Applicants' claims.

In direct contrast to what is discussed in Baldwin, Applicants' claims all recite features directed to something inaccessible, transparent, or otherwise independent from the host processor. See above: "a storage" in claims 1 and 29, "a network link" in claim 11, and "a communication channel" in claim 22. Thus, Baldwin is incapable of disclosing or suggesting at least one feature of the claimed invention, and so fails to support an anticipation rejection of the independent claims as per MPEP § 2131.

The remaining claims depend directly or indirectly from the independent claims, and are thus necessarily not anticipated by the cited reference for at least the reasons set forth above.

**CONCLUSION**

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, all pending claims are in condition for allowance, and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
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